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Counsel for Official Committee of Tort Claimants

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors

- ☐ Affects PG& E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**AMENDED DECLARATION OF
MICHAEL A. KELLY IN SUPPORT OF
AMENDED MOTION OF THE
OFFICIAL COMMITTEE OF TORT
CLAIMANTS FOR RELIEF FROM
AUTOMATIC STAY TO PERMIT
STATE COURT JURY TRIAL OF 2017
TUBBS WILDFIRE CLAIMS**

Date: July 24, 2019

Time: 9:30 a.m. (Pacific Time)

Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 I, Michael A. Kelly, declare the following under penalty of perjury pursuant to 28 U.S.C.
2 section 1746:

3 1. I submit this Amended Declaration in support of the Amended Motion of the
4 Official Committee of Tort Claimants for Relief from Stay to Permit State Court Jury Trial of a
5 2017 Tubbs Wildfire Claims (“**Motion**”). I have personal knowledge of the facts set forth in this
6 declaration.

7 2. I am a member of the State Bar of California and a partner in the law firm of Walkup,
8 Melodia, Kelly & Schoenberger.

9 3. After the 2017 North Bay fires occurred, individual victims filed personal injury,
10 wrongful death, and property damage civil actions for damages suffered in or by reason of the fires
11 against Pacific Gas & Electric Company (“**PG&E**”) in Sonoma and Napa Counties. The litigation
12 was eventually coordinated in a Judicial Council Coordination Proceeding entitled California North
13 Bay Fire Cases, JCCP No. 4955, in the Superior Court of California for the County of San
14 Francisco.

15 4. The judge assigned to the California North Bay Fire Cases, Judge Curtis Karnow,
16 entered Case Management Order No.1, dated March 6, 2018, attached hereto as **Exhibit A**, which
17 appointed me and Frank Pitre as two of the three co-lead counsel in the litigation and an Executive
18 Committee leadership team of lawyers representing the individual plaintiffs.

19 5. Co-lead counsel Frank Pitre and I, in consultation with the leadership team, have
20 identified the individual plaintiffs identified on Exhibit A to the Motion as plaintiffs whose personal
21 injury, wrongful death, and related property damage claims are entitled to preference for early trial
22 settings pursuant to Code of Civil Procedure (“**CCP**”) section 36 within 120 days of the order
23 determining the cases are entitled to preference; the claims can be ready for trial within the 120 day
24 preference period; and have agreed to request the Court in the North Bay Fire Cases, JCCP No.
25 4955, to set one or more of these plaintiffs’ personal injury, wrongful death, and property damage
26 cases for an immediate trial pursuant to CCP section 36, subject to the Bankruptcy Court
27 terminating the automatic stay in favor of jury trials of the claims in the California Superior Court.
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8. Attached hereto as **Exhibit B** is a true and correct copy of the Superior Court's Case Management Order No. 4 in the North Bay Fire Cases, JCCP 4955.


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9. Attached hereto as **Exhibit C** is a true and correct copy of the transcript of the hearing in North Bay Fire Cases; JCCP No. 4955. Page 16 of the transcript records PG&E counsel Kevin Orsini's explanation that the Tubbs Fire claims were "two-thirds of the potential liabilities, that one has the highest probability of getting all the others tied up in a global resolution. . . . we set the Tubbs trial first for precisely that reason." Pages 42 and 43 of the transcript record PG&E's counsel's explanation that "from PG&E's perspective, facing the specter of all these many cases with all of these different fires, we can't figure out how to resolve these until we have some visibility into what the resolution is going to be of the Tubbs case."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 9, 2019.

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